

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE CENTURY FOUNDATION,

Plaintiff,

v.

BETSY DEVOS, *in her official capacity*, and  
the UNITED STATES DEPARTMENT OF  
EDUCATION,

Defendants.

No. 18-cv-1128-PAC

**DECLARATION OF CLARE MCCANN**

I, Clare McCann, pursuant to 28 U.S.C. § 1746, hereby declare:

1. I am a resident of the District of Columbia, am over the age of 18 years, have personal knowledge of the facts set forth herein, and, if called and sworn as a witness, could and would testify competently hereto.

2. I am employed as the Deputy Director for Federal Policy, Education Policy at New America, where I work on New America's higher education team, conducting research and analysis on issues including federal financial aid, data transparency, accountability for institutions of higher education, and higher education accreditation.

3. On October 11, 2017, I submitted a request to the U.S. Department of Education under the Freedom of Information Act ("FOIA"). That request sought a copy of the ACICS application for initial or continued recognition submitted on or after January 20, 2017. A true and correct copy of my Request is attached hereto as Exhibit 1. I have, however, redacted my office and cell phone numbers from this copy.

4. In subsequent communications with the Department, I came to understand that my request had been assigned tracking number 18-00164-F.

5. The October 11, 2017 FOIA was not the first time I had requested the ACICS application. In two prior submissions, I had requested a copy of an application by ACICS and was told that, at the time of my request, no such documents were responsive.

6. On November 17, 2017, I received an email from the Department. That email informed me that “the subject matter area [sic] is currently reviewing documents” and that documents constituting the ACICS petition “are not being released doing [sic] that process,” presumably meaning the process for reviewing the application. The email further stated that “[o]nce the final staff analysis has been completed, the petition will be disclosed to requesters.” A true and correct copy of that email attached hereto as Exhibit 2.

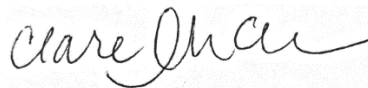
7. On Monday, February 5, 2018, I received an email from the Department in which the Department informed me that “they are still working on the petition, and that is delaying” the release of the application. A true and correct copy of that email is contained in the chain attached hereto as Exhibit 3.

8. I understand that the Department publishes a “FOIA Request Status Log” on its website at <https://ed.gov/policy/gen/leg/foia/foiatoc.html>. On February 27, 2018, I reviewed that log, and with respect to my FOIA request, the log states that the request is not yet closed and that the Department is “conducting search.” That log has not been updated since January 4, 2018.

9. As of the execution of this document, I have not received any further responses with respect to my FOIA request and have not received the documents requested.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 28, 2018

A handwritten signature in black ink, appearing to read "Clare McCann", is written over a light gray rectangular background.

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Clare McCann